THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.28238 OF 2005

DATED:3.1.2006

Between:

M. Narayana Reddy

…Petitioner

And

The District Collector,

Ongole, Prakasam District

and others

…Respondents

WRIT PETITION NO.28239 OF 2005

Between:

M. Narayana Reddy

…Petitioner

And

The District Collector,

Ongole, Prakasam District

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NOs.28238 AND 28239 OF 2005

COMMON ORDER:

The petitioner is allegedly a landless poor person. It appears, his father was assigned an extent of Acs.4.34 in S.No.7 of Gudimetla Village by way of D-form patta. After demise of his father, petitioner was given D-form patta on 16.5.2000 as he was cultivating the land. The grant of patta by the Mandal Revenue Officer to petitioner was challenged by fourth respondent and the Revenue Divisional Officer by order dt.29.6.2005 set aside the patta and directed the Mandal Revenue Officer to consider the issue of patta once again. Aggrieved by the same, petitioner filed a revision petition before the Joint Collector on 20.8.2005. While taking the same on

file, the stay petition was dismissed by order dt.17.9.2005. Assailing the same, petitioner filed W.P.No.28239 of 2005.

It appears, the fourth respondent interfered with the petitioner's counsel while cultivating the land. Therefore, the petitioner made a representation to the District Collector seeking necessary protection. By letter dt.13.12.2005 first respondent directed the Mandal Revenue Officer to instruct the Station House Officer, Racherla, to take action for peaceful cultivation by the assignee. In the meanwhile, the fourth respondent herein filed a petition on 1.12.2005 through her Lawyer and while directing the Mandal Revenue Officer to sent a factual report regarding the status of the land, the District Collector withdrew her earlier order/letter dt.13.12.2005. Aggrieved by the said letter dt.16.12.2005, the petitioner filed W.P.No.28238 of 2005.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment).

The dispute is essentially the entitlement of the petitioner for assignment of land in S.No.7 admeasuring Acs.4.34, which was allegedly assigned to the petitioner's father in 1986. Whatever be the reason, the assignment was set aside and the issue is in appeal before the Joint Collector. In this background, if the petitioner is dispossessed – assuming that he is in possession, and in the event of petitioner succeeding before the Joint Collector – it would be futile exercise. Insofar as the letter of the District Collector, dt.16.12.2005 is concerned, the same is an exception one because even while application made by fourth respondent through her Lawyer on 1.12.2005 was pending, without noticing the same, the District Collector by letter dt.13.12.2005 directed the Mandal Revenue Officer, Racherla, to give Police protection to petitioner. Presumably for this reason, earlier letter was withdrawn and there is no infirmity to the same.

This Writ Petitions for the above brief reasons is accordingly disposed of directing the Joint Collector, Ongole, before whom revision submitted by the petitioner against the proceedings of the Revenue Divisional officer dt.29.6.2005 are pending, to dispose of the revision petition within a period of four weeks from the date of receipt of a copy of this order. If the petitioner is still in possession of the property, there shall be *status quo* regarding the same. It is made clear that whether the petitioner is in possession or the fourth respondent is in possession, the revenue authorities or the police authorities should ensure that dispute regarding possession does not create any law and order problem in the area.

The Writ Petitions with the above observations are accordingly disposed of.

(V.V.S.RAO, J)

3.1.2006

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Note:Issue CC by 6.1.2006.

(B.O)

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